

Panaji, 22nd February, 1979 (Phalguna 3, 1900)

SERIES I No. 47

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU.

Industries and Labour Department

Notification

3/1/72-PB/ILD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Payment of Wages Rules, 1964 is hereby pre-published as required by sub-section (5) of section 26 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of three months from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Secretary to the Government of Goa, Daman and Diu, Industries and Labour Department, Secretariat, Panaji, before the expiry of three months from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) of section 26 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Payment of Wages Rules, 1964, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Payment of Wages (Amendment) Rules, 1978.

(2) They shall come into force at once.

3. *Amendment of Form IV.*—For Form IV appended to the Payment of Wages Rules, 1964, the following shall be substituted, namely:—

FORM IV Annual Returns

Wages and deductions from wages

Return for the year ending 31st December, 19 ...

1. (a) Name of the factory or establishment and postal address ...
- (b) Industry ...

2. Number of days worked during the year ...
3. *(a) Number of man-days worked during the year ...

Persons earning less than
Rs. 1000/- per month.

Adults ...

Children ...

Total ...

- ** (b) Average daily number of persons employed during the year ...

- (c) Gross ... amount paid as remuneration ... to persons getting less than Rs. 1000/- per month including deductions under section 7(2) ... of which the amount due to profit sharing bonus is ... and that due to money value concessions ... *** is ...

4. Total wages paid including deductions under section 7(2) on the following accounts.

Persons earning less than
Rs. 1000/- per month.

- (a) Basic wage including overtime wages and non-profit sharing bonus ...
- (b) Dearness and other allowances in cash ...
- (c) Arrears of pay in respect of previous year paid during the year ...

Total ...

5. Deductions ...

Persons earning less than
Rs. 1000/- per month.

Number of cases

Amount

- (a) Fines ...
- (b) Deductions for damage or loss ...
- (c) Deductions for breach of contract ...

Total ...

6. Fines Fund

- (i) Balance of fines fund in hand at the beginning of the year ...
- (ii) Disbursement from fines fund ... purpose amount
- (iii) Balance of fines fund in the hand at the end of the year ...

Signature ...

Designation ...

Note:—

* This is the aggregate number of attendances during the year.

** The average daily number of persons employed during the year is obtained by dividing the aggregate number of

attendances during the year by the number of working days.

- *** The money value of concession should be obtained by taking the difference of the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given free or at concessional rates.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary, Industries and Labour.

Panaji, 14th February, 1979.

Law Department (Legal Advice)

Notification

LD/Bill/13/78

The following Act which was passed by the Legislative Assembly and assented to by the President of India on 25-1-1979 is hereby published for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 12th February, 1979.

The Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978

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The Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978

(Act No. 1 of 1979) [25th January, 1979]

An Act to provide for the preservation of ancient monuments and archaeological sites and remains other than those declared by or under any law made by Parliament to be of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carving and other like objects which are antiquities.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires, —

(1) 'ancient monument' means any structure, erection or monument, or any tumulus or place of internment or any cave, rock sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes, —

(i) the remains of an ancient monument,

(ii) the site of an ancient monument,

(iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and

(iv) the means of access to, and from, and convenient inspection of, an ancient monument, but does not include any ancient monument declared by or under law made by Parliament to be of national importance;

(2) 'antiquity' includes —

(i) any coin, sculpture, manuscript, epigraph, or work of art or craftsmanship,

(ii) any article, object or thing detached from a building or cave,

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

(iv) any article, object or thing of historical interest, and

(v) any article, object or thing declared by the Government, by notification, to be an antiquity for the purposes of this Act,

which has been in existence for not less than one hundred years;

(3) 'archaeological officer' means an officer of the Government appointed for the purpose of exercising the powers conferred on, and performing the functions assigned to, an archaeological officer under this Act, and includes any other officer authorised by the Government to exercise or perform all or any of such powers and functions;

(4) 'archaeological site and remains', means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes, —

(i) such portion of land adjoining the area as may be required for fencing, or covering in, or otherwise preserving it, and

(ii) the means of access to and from, and convenient inspection of, the area,

but does not include any archaeological sites or remains declared by or under law made by Parliament to be of national importance;

(5) 'Director' means the Director of Archives and Archaeology (Museum) appointed by the Government and includes any officer authorised by the Government to exercise the powers and perform the functions of the Director under this Act;

(6) 'Government' means the Government of the Union territory of Goa, Daman and Diu;

(7) 'maintain' with its grammatical variations and cognate expressions includes the fencing, covering in, repairing, restoring and cleaning of a protected monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or for securing convenient access thereto;

(8) 'notification' means a notification in the Official Gazette;

(9) 'owner' includes, —

(i) a joint owner, invested with powers of management on behalf of himself and other joint owners, and the successor in title of any such owner, and

(ii) any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;

(10) 'prescribed' means prescribed by rules made under this Act;

(11) 'protected area' means any archaeological site and remains which is declared to be a protected area by or under this Act;

(12) 'protected monument' means an ancient monument which is declared to be a protected monument by or under this Act.

CHAPTER II

Protection of Ancient Monuments and Archaeological Sites and Remains

3. *Power of Government to declare certain monuments, etc. to be protected monuments or areas.* —

(1) Where the Government is of opinion that any ancient monument or archaeological site and remains, which has not been declared by or under law made by Parliament to be of national importance, requires protection under this Act, it may, by notification, give two months' notice of its intention to declare such ancient monument or archaeological site and remains to be protected monument or a protected area, as the case may be, and a copy of every such notification shall be affixed in a conspicuous place near the monument or the site and remains, as the case may be.

(2) Any person interested in any such ancient and historical monument or archaeological site and remains may, within two months after the issue of the notification under sub-section (1), object to the declaration of the monument or the archaeological site and remains to be a protected monument or a protected area.

(3) On the expiry of the said period of two months the Government may, after considering the objections, if any, received by it, declare, by notification, the ancient monument or the archaeological site and remains, as the case may be, to be a protected monument or a protected area.

(4) A notification published under sub-section (3) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the ancient monument or the archaeological site and remains, to which it relates, is a protected monument or a protected area for the purposes of this Act.

CHAPTER III Protected Monuments

4. Acquisition of rights in a protected monument.—

(1) The Director may, with the sanction of the Government, purchase or take a lease of, or accept a gift or bequest of, any protected monument.

(2) Where a protected monument is without an owner, the Director may, by notification, assume the guardianship thereof.

(3) The owner of any protected monument may, by written instrument, constitute the Director the guardian of the monument, and the Director may, with the sanction of the Government, accept such guardianship.

(4) When the Director has accepted the guardianship of a monument under sub-section (3) the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if the Director had not been constituted a guardian thereof; and the provisions of this Act relating to agreements executed under section 5 shall apply to the written instrument executed under sub-section (3).

(5) Nothing in this section shall affect the use of any protected monument for customary religious observances.

5. *Preservation of protected monument by agreement.*— (1) The Director, when so directed by the Government, shall propose to the owner of a protected monument to enter into an agreement with the Government within a specified period for the maintenance of the monument.

(2) Any agreement made under this section may provide for all or any of the following matters, namely:—

- (a) the maintenance of the monument;
- (b) the custody of the monument and the duties of any person who may be employed to watch it;
- (c) the restriction of the owner's right—
 - (i) to use the monument for any other purpose,
 - (ii) to charge any fee for entry into, or inspection of the monument,
 - (iii) to destroy, remove, alter or deface the monument, or
 - (iv) to build on or near the site of the monument;
- (d) the facilities of access to be permitted to the public or any section thereof or to archaeological officers or to persons deputed by the Government to inspect or maintain the monuments;
- (e) the notice to be given to the Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its face value;
- (f) the payment of any expenses incurred by the owner or by the Government in connection with the maintenance of the monument;
- (g) the proprietary or other rights which are to vest in the Government in respect of the monu-

ment when any expenses are incurred by the Government in connection with the maintenance of the monument;

(h) the appointment of an authority to decide any dispute arising out of the agreement; and

(i) any matter connected with the maintenance of the monument which is a proper subject of agreement between the owner and the Government.

(3) The Government or the owner may, at any time after the expiry of three years from the date of execution of any agreement under this section, terminate it on giving six months' notice in writing to the other party:

Provided that where the agreement is terminated by the owner, he shall pay to the Government the expenses if any, incurred by it on the maintenance of the monument during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

(4) An agreement under this section shall be binding on any person claiming to be the owner of the monument to which it relates from, through or under a party by whom or on whose behalf the agreement was executed.

6. *Person competent to exercise powers of owner under section 5 in respect of a protected monument, when owner is under disability or when it is a village property.*— (1) If the owner of a protected monument is unable, by reason of minority or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon the owner by section 5.

(2) Where a protected monument is a village property,—

(a) if such property vests in the Panchayat for the village, the Panchayat; or

(b) if such property does not vest in the Panchayat for the village, any village officer exercising the powers of management over such property,

may exercise the powers conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person, not being of same religion as the person on whose behalf he is acting, to make or execute an agreement relating to a protected monument which, or any part of which, is periodically used for the religious worship or observances of that religion.

7. *Application of endowment to repair a protected monument.*— (1) If any owner or other person competent to enter into an agreement under section 5 for the maintenance of a protected monument refuses or fails to enter into such an agreement and if any endowment has been created for the purpose of keeping such monument in repair, the Government may institute a suit in the court of the District Judge or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge, for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1) the District Judge may, summon and

examine the owner and any person whose evidence appears to him necessary and may pass an order for the proper application of the endowment or any part thereof, and any such order may be executed as if it were a decree of a civil court.

8. Failure or refusal to enter into an agreement.—

(1) If any owner or other person competent to enter into an agreement under section 5 for the maintenance of a protected monument, refuses or fails to enter into such an agreement, the Government may make an order providing for all or any of the matters specified in sub-section (2) of section 5 and such order shall be binding on the owner or such other person and on every person claiming title to the monument from, through or under, the owner or such other person.

(2) Where an order made under sub-section (1) provides that the monument shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance of the monument shall be payable by the Government.

(3) No order under sub-section (1) shall be made unless the owner or other person has been given an opportunity of making a representation in writing against the proposed order.

9. Power to make order prohibiting contravention of agreement under section 5.— (1) If the Director apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement executed under section 5, the Director may, after giving the owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such contravention of the agreement:

Provided that no such opportunity may be given in any case where the Director, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Government within such time and in such manner as may be prescribed and the decision of the Government shall be final.

10. Enforcement of agreement.— (1) If an owner or other person who is bound to maintain a monument by an agreement executed under section 5 refuses or fails, within such reasonable time as the Director may fix, to do any act which in the opinion of the Director is necessary for the maintenance of the monument the Director may authorise any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing any such act or such portion of the expenses as the owner may be liable to pay under the agreement.

(2) If any dispute arises regarding the amount of expenses payable by the owner or other person under sub-section (1), it shall be referred to the Government whose decision on such reference shall be final.

11. Purchasers at certain sales and persons claiming through owner bound by instrument or agreement executed by owner.— Every person who pur-

chases at a sale for arrears of land revenue or any other public demand, any land on which is situated a monument in relation to the guardianship of which an instrument has been executed by the owner for the time being under sub-section (3) of section 4 or in relation to the maintenance of which any agreement has been entered into by such owner under section 5 and every person claiming any title to the monument from, through or under an owner who executed such instrument or entered into such agreement shall be bound by such instrument or agreement, as the case may be.

12. Acquisition of protected monument.— If the Government apprehends that a protected monument is in danger of being destroyed, injured, misused or allowed to fall into decay, it may acquire the protected monument under the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894), as if the maintenance of the protected monument were a public purpose within the meaning of that Act.

13. Maintenance of certain protected monuments.—

(1) The Government shall maintain every monument which has been acquired under section 12 or which has been purchased, taken on lease or accepted as a gift or bequest under sub-section (1) of section 4.

(2) When the Director has assumed the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself or by his agent, subordinates and workmen, for the purpose of inspecting the monument or for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

14. Voluntary contributions.— The Director may receive voluntary contribution towards the cost of maintaining a protected monument and may give such general or special directions as he considers necessary for the management and applications of the contributions so received by him:

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

15. Protection of place of worship from misuse, pollution or desecration.— (1) A protected monument maintained by the Government under this Act which is a place of worship or shrine shall not be used for any purpose inconsistent with its character.

(2) Where the Government has acquired a protected monument under section 12 or where the Director has purchased or taken a lease or accepted a gift or bequest or assumed guardianship, of a protected monument under section 4, and, such monument or any part thereof is used for religious worship or observances by any community, the Director shall make due provision for the protection of such a monument or part thereof from pollution or desecration,—

(a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the person, if any, in religious charge of the said monument or part thereof, of any person who is not entitled to enter the said

monument, by the religious usages of the community by which the monument or part thereof is used, or

(b) by taking such other action as he may think necessary in this behalf.

16. *Relinquishment of Government rights in a monument.* — With the sanction of the Government, the Director may, —

(a) where rights have been acquired by the Director in respect of any monument under this Act by virtue of any sale, lease, gift or will relinquish by notification the rights so acquired to the person who would for the time being be owner of the monument if such rights had not been so acquired; or

(b) relinquish any guardianship of a monument which he has assumed under this Act.

17. *Rights of access to protected monument.* — Subject to any rules made under this Act, the public shall have a right of access to any protected monument.

CHAPTER IV

Protected Areas

18. *Restriction on enjoyment of property rights in protected areas.* — (1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area or utilise such area or any part thereof in any other manner without the permission of the Government:

Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

(2) The Government may, by order, direct that any building constructed by the person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and if the person refuses or fails to comply with the order, the Director may cause the building to be removed and the person shall be liable to pay the cost of such removal.

19. *Power to acquire protected areas.* — If the Government is of opinion that any protected area contains any ancient monument or antiquity of any interest and value to the public, it may acquire such area under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), as if the acquisition were for a public purpose within the meaning of that Act.

CHAPTER V

Archaeological Excavations

20. *Excavations in protected areas.* — Subject to the provisions of section 24 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) an archaeological officer or an officer authorised by him in this behalf or any person holding a licence granted in this behalf under this Act (hereinafter referred to as the licensee) may, after giving notice in writing to the

Director and the owner, enter upon and make excavations in any protected area.

21. *Excavations in areas other than protected areas.* — Subject to the provisions of section 22 and section 24 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958), where an archaeological officer has reason to believe that any area, not being a protected area, contains ruins or relics of historical or archaeological importance he or an officer authorised by him in this behalf may, after giving notice in writing to the Director and the owner, enter upon and make excavations in the area.

22. *Compulsory acquisition of antiquities, etc. discovered during excavation operations.* — (1) Where as a result of any excavations made in any area under section 20 or section 21 any antiquities are discovered, the archaeological officer or the licensee, as the case may be, shall, —

(a) as soon as practicable examine such antiquities and submit a report to the Government in such manner and containing such particulars as may be prescribed;

(b) at the conclusion of the excavation operations, give notice in writing to the owner of the land from which such antiquities have been discovered as to the nature of such antiquities.

(2) Until an order for the compulsory acquisition of any such antiquities is made under sub-section (3), the archaeological officer, the officer authorised by him or the licensee, as the case may be, shall keep them in such safe custody as he may deem fit.

(3) On receipt of report under sub-section (1), the Government may make an order for the compulsory acquisition of any such antiquities at their market value.

(4) Where an order for the compulsory acquisition of any antiquities is made under sub-section (3), such antiquities shall vest in the Government with effect from the date of the order.

23. *Excavations, etc. for archaeological purpose.* —

(1) Save as otherwise provided in this Chapter, no archaeological officer or authority shall undertake or authorise any person to undertake any excavation or other like operation for any archaeological purpose in any area which is not a protected area except with the previous approval of the Government and in accordance with such rules or directions, if any, as the Government may make or give in this behalf.

(2) The provisions of sub-section (1) shall be subject to the provisions of section 24 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958).

CHAPTER VI

Protection of Antiquities

24. *Chapter not to apply in case of certain antiquities or class of antiquities.* — The provisions of this Chapter shall not apply in the case of antiquities or class of antiquities in respect of which a notification has been issued by the Central Government under sub-section (1) of section 25 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958).

25. Power of Government to control moving of antiquities.— (1) If the Government considers that any antiquities or class of antiquities ought not to be moved from the place where they are, without its sanction, the Government may by notification direct that any such antiquity or any class of such antiquities shall not be moved except with the written permission of the Director:

Provided that no notification under this sub-section shall be made in respect of any antiquity for the compulsory acquisition of which an order has been made by the Central Government under sub-section (1) of section 19 of the Antiquities and Art Treasures Act, 1972 (Central Act 52 of 1972).

(2) Every application for permission under sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) Any person aggrieved by an order refusing permission may appeal to the Government whose decision shall be final.

26. Purchase of antiquities by Government.—(1) If the Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 25 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or is of opinion that, by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the Government may make an order for the compulsory acquisition of such antiquity at its market value and the Director shall thereupon give notice to the owner of the antiquity to be acquired.

(2) Where a notice of compulsory acquisition is issued under sub-section (1) in respect of any antiquity, such antiquity shall vest in the Government with effect from the date of the notice.

(3) The power of compulsory acquisition given by this section shall not extend to any image or symbol actually used for bonafide religious observances.

CHAPTER VII

Principles of Compensation

27. Compensation for loss or damage.— Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason of any entry on, or excavation in, such land or the exercise of any other power conferred by this Act, shall be paid compensation by the Government for such loss, damage or diminution of profits.

28. Assessment of market value of compensation.— (1) The market value of any property which the Government is empowered to acquire at such value under this Act, or the compensation to be paid by the Government in respect of anything done under this Act, shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in sections 3, 5, 8 to 34, 45 to 47, 51 and 52 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), so far as they can be made applicable:

Provided that when making an enquiry under the said Land Acquisition Act, the Collector shall be assisted by two assessors, one of whom shall be a

competent person nominated by the Government and one person nominated by the owner, or in case the owner fails to nominate an assessor within such time as may be fixed by the Collector in this behalf, by the Collector.

(2) Notwithstanding anything in sub-section (1) or in the Land Acquisition Act, 1894 (Central Act 1 of 1894); in determining the market value of any antiquity in respect of which an order for compulsory acquisition is made under sub-section (3) of section 22 or under sub-section (1) of section 26, any increase in the value of the antiquity by reason of its being of historical or archaeological importance shall not be taken into consideration.

CHAPTER VIII

Miscellaneous

29. Delegation.— The Government may by notification direct that the powers conferred on it by or under this Act, shall, subject to such conditions as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government as may be specified in the direction.

30. Penalties.— (1) Whoever—

(i) destroys, removes, injures, alters, defaces, imperils, or misuses a protected monument, or

(ii) being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of section 8 or under sub-section (1) of section 9, or

(iii) removes from a protected monument any sculpture, carving, image, bas-relief, inscription or other-like object, or

(iv) does any act in contravention of sub-section (1) of section 18,

shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(2) Any person who moves any antiquity in contravention of a notification issued under sub-section (1) of section 25 shall be punishable with fine which may extend to five thousand rupees, and the court convicting a person of such contravention may, by order, direct such person to restore the antiquity to the place from which it was moved.

31. Jurisdiction to try offences.— No Court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act.

32. Certain offences to be cognisable.— Notwithstanding anything in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence under clause (i) or clause (iii) of sub-section (1) of section 30 shall be deemed to be a cognisable offence within the meaning of that Code.

33. Recovery of amounts due to the Government.— Any amount due to the Government from any person under this Act may, on a certificate issued by the Director or an archaeological officer authorised by him in this behalf, be recovered in the same manner as an arrear of land revenue.

34. Ancient monuments, etc. no longer requiring protection.— If the Government is of opinion that

it is no longer necessary to protect any ancient monument or archaeological site and remains under the provisions of this Act, it may by notification declare that the ancient monument or archaeological site and remains, as the case may be, has ceased to be a protected monument or a protected area for the purposes of this Act.

35. *Power to correct mistakes, etc.* — Any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument or archaeological site and remains declared to be a protected monument or a protected area, by or under this Act, may, at any time, be corrected by the Government by notification.

36. *Protection of action taken under the Act.* — No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done or in good faith intended to be done in the exercise of any power conferred by this Act.

37. *Power to make rules.* — (1) The Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the prohibition or regulation by licensing or otherwise of mining, quarrying, excavating, blasting or any operation of a like nature, near a protected monument or the construction of buildings on a land adjoining such monument and the removal of unauthorised buildings;

(b) the grant of licences and permission to make excavations for archaeological purposes in protected areas, the authorities by whom, and the restrictions and conditions subject to which such licences may be granted, the taking of securities from licensees and the fees that may be charged for such licences;

(c) the right of access of the public to a protected monument and the fee, if any, to be charged therefor;

(d) the form in which application for permission under section 18 or section 25 may be made and the particulars which they shall contain;

(e) the form and contents of the report of an archaeological officer, officer authorised by him or a licensee under clause (a) of sub-section (1) of section 22;

(f) the form and manner of preferring appeals under this Act, the fees to be paid therefor and the time within which they may be preferred;

(g) the manner of service of any order or notice under this Act;

(h) the manner in which excavations and other like operations for archaeological purposes may be carried on;

(i) any other matter which is to be or may be prescribed.

(3) Any rule made under this section may provide that a breach thereof shall be punishable,—

(i) in the case of a rule made with reference to clause (a) of sub-section (2) with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both;

(ii) in the case of a rule made with reference to clause (b) of sub-section (2), with fine which may extend to five thousand rupees;

(iii) in the case of a rule made with reference to clause (c) of sub-section (2), with fine which may extend to five thousand rupees.

(4) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly of Goa, Daman and Diu, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the Assembly agrees in making any modification in the rule or the Assembly agrees that rule should not be made, the rule shall thereafter have effect only in such modified form or of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

38. *Act not to apply to certain antiquities and ancient monuments and archaeological sites and remains.* — (1) Nothing in this Act shall apply to any antiquity to which the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) and the Antiquities and Art Treasures Act, 1972 (Central Act 52 of 1972), apply.

(2) Where any ancient monument or any archaeological site and remains which is a protected monument or protected area, by or under the provisions of this Act, is declared at any time by or under any law made by Parliament to be of national importance, the provisions of this Act shall cease to apply to such monument or area; and accordingly, it shall cease to be a protected monument or protected area for the purposes of this Act.

K. C. D. GANGWANI

Secretariat,
Panaji,

7th February, 1979

Secretary to the Government
of Goa, Daman and Diu
Law Department (Legal Advice)

Notification

LD/457/1/79

The following Notification received from the Government of India, Ministry of Defence New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 6th February, 1979.

MINISTRY OF DEFENCE

Notification

New Delhi, the 18th August, 1978

S. R. O. 10(E). — In exercise of the powers conferred by sub-section (2) of section 1 of the Coast Guard Act, 1978 (30 of 1978), the Central Government hereby appoints the 19th day of August, 1978, as the date on which the said Act shall come into force.

(F. No. CGC/Law/1106)

P. S. KOBLI, Jt. Secy.

Notification

LD/353/79

The following Notification received from the Government of India, Ministry of Finance, New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 30th January, 1979.

F.No. 28/26/78-ST

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 30th December, 1978

9th Pausa, 1900 (Saka)

Notification

G.S.R. — In exercise of the powers conferred by sub-section (1) of section 13 of the Central Sales Tax Act, 1956 (74 of 1956), the Central Government hereby makes the following rules further to amend the Central Sales Tax (Registration and Turnover) Rules, 1957, namely: —

1. These rules may be called the Central Sales Tax (Registration and Turnover) (Amendment) Rules, 1978.

2. In the Central Sales Tax (Registration and Turnover) Rules, 1957, in rule 12, —

- (i) in sub-rule (1), in the first proviso, for the figures "1978", the figures "1979" shall be substituted;
- (ii) in sub-rule (5), in the third proviso, for the figures "1978", the figures "1979" shall be substituted.

(S. D. RAMASWAMY)

Under Secretary to the Government of India.

Notification

LD/457/79

The following Notification received from the Government of India, Ministry of Finance New Delhi is

hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 6th February, 1979.

MINISTRY OF FINANCE

(Department of Revenue)

Notification

New Delhi, the 28th August, 1978

CUSTOMS

G. S. R. 435(E). — In exercise of the powers conferred by sub-section (2) of section 1 of the Customs Tariff (Amendment) Act, 1978 (26 of 1978), the Central Government hereby appoints the 1st September, 1978, as the date on which the said Act shall come into force.

(No. 169/F. No. 370/100/78-Cus. I)

M. JAYARAMAN, Under Secy.

Notification

LD/344/1/79

The following Order which was issued by the Government of India on 15-11-1978 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 30th January, 1979.

No. P. 15014/17/76-PH(F & N) Vol. III

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, dated the 15th November, 1978

Order

In exercise of the powers conferred by clauses (iii) and (iv) of rule 8 of the Prevention of Food Adulteration Rules, 1955 and in continuation of the Government of India Ministry of Health and Family Welfare (Department of Health) Order No. P. 15014/17/76-PH(F&N), dated the 7th October, 1977, the Central Government hereby approves the Food (Health) Authorities of all States and Union Territories except Manipur, Nagaland, Meghalaya, Arunachal Pradesh, the Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Goa, Daman and Diu, Lakshadweep and Mizoram, for providing training in food inspection and sampling work as provided in the said clauses.

(N. N. VOHRA)

Joint Secretary to the Govt. of India.

Notification

LD/527/79

The following Order which was issued by the Government of India on 16-1-1979 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 12th February, 1979.

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Food)

Order

New Delhi, the 16th January, 1979.

G. S. R. 28(E)/Ess. Com./Sugar — In exercise of the powers conferred by clause 5 of the Sugar (Control) Order, 1966, the Government of India hereby removes all restrictions on stock holding limits on recognised dealers and for that purpose rescinds the Order of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food), No. G. S. R. 493(E)/Ess. Com./Sugar, dated the 9th October, 1978, with immediate effect.

[No. 1-16/77-SPY]

Sd/-

(G. N. RAGHAVAN)

Joint Secretary.

Law Department (Establishment)

Notification

LD/JCC/2668/78-79

In exercise of the powers vested in him under section 15 of the Goa, Daman and Diu Civil Courts Act, 1965, the Administrator of Goa, Daman and Diu is pleased to declare the Court of Civil Judge, Jr. Division at Ponda as the Court of Civil Judge, Senior Division.

Sanction is hereby accorded for the creation of one post of Civil Judge, Senior Division for the Court of Ponda in the pay scale of Rs. 1100-50-1600 on a temporary basis for a period of one year, in the first instance with effect from the date the incumbent takes charge of the post.

The post of Civil Judge, Junior Division at Ponda shall be held in abeyance from the date the post of Civil Judge, Senior Division created under these orders is filled up.

The expenditure should be debited to the Budget Head "214 Administration of Justice", B-Civil and Session Court, B-1 Civil Judges, B1(1) Salaries.

This order issues with the concurrence of Administrative Reforms Department (Division-II) vide their report No. 2-36-AR-75/Div. II/6 dated 11-1-79.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. S. Subbanna, Under Secretary (Law).

Panaji, 16th February, 1979.